UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,338	03/03/2004	Thomas Algie Abrams JR.	MFCP.122335	4550

45809 7590 05/15/2008

SHOOK, HARDY & BACON L.L.P.
(c/o MICROSOFT CORPORATION)
INTELLECTUAL PROPERTY DEPARTMENT
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

EXAMINER	
GUERTIN, AARON M	

ART UNIT	PAPER NUMBER
2628	

MAIL DATE	DELIVERY MODE
05/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/792,338	ABRAMS, THOMAS ALGIE	
	Examiner	Art Unit	
	AARON M. GUERTIN	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claim 5 has been acknowledged by the examiner as being cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3, 4, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,007,025 (Nason) in view of U.S. Publication No.: US 2004/0001544 A1 (Mehrotra).

4. Regarding claim 1, Nason teaches of a display driver ([Column 6, lines 28-54] - *The display driver of the operating system (OS) than sends this bitmap to the video card for storage in the video display memory 203 (e.g., VRAM) residing on the card…*) to display a file stream ([Column 23, lines 18-48] - *for secure data input and output are applicable to other types of storage and input devices and to other types of data, streamed or otherwise, other than those explicitly described herein…*), comprising: **a display driver module** (Fig. 2, video card) **having a bitmapped frame buffer** (Fig. 2, (204)), **the display driver module** (Fig. 2, video card) **controlling the display** ([Column 6, lines 28-54] - *The display driver of the operating system (OS) than sends*

this bitmap to the video card for storage in the video display memory 203 (e.g., VRAM) residing on the card. The bitmap to be drawn is typically stored in a designated portion of the VRAM, called the frame buffer 204, as a static bitmap. The area of the frame buffer 204 that corresponds to the portion of the display device 220…)**; and a decoder to transform the file stream and store the transformed file stream in the bitmapped frame buffer of the display driver module** ([Column 7, lines 18-45] - *store the bitmap in an obfuscated form and de-obfuscate (or un-obfuscate) the bitmap when it is sent to the video card to be stored in VRAM 302. The term de-obfuscate (or un-obfuscate) is used to refer to the reverse process used to obfuscate data. Thus, for example, decryption of encrypted data is a de-obfuscation process…*)**, the display driver adapted to process data in the bitmapped frame buffer to generate the display** ([Column 6, lines 28-54] - *The display driver of the operating system (OS) than sends this bitmap to the video card for storage in the video display memory 203 (e.g., VRAM) residing on the card. The bitmap to be drawn is typically stored in a designated portion of the VRAM, called the frame buffer 204, as a static bitmap. The area of the frame buffer 204 that corresponds to the portion of the display device 220…*)**.**

Nason teaches the limitations of claim 1 above, however Nason fails to specifically teach of **wherein the file stream contains metadata to change display features of the file stream,** said display features comprising at least one of: **video refresh rate data, resolution data, or close captioning data**.

Mehrotra teaches of a display driver ([0048] - *display driver software allows access to various features of the display card (230)…*) to display a file stream ([0060] -

e.g., media sources and types, quality, resultant bitrate, buffer size, and output stream or file location)…). Mehrotra further teaches of wherein the **file stream** (output stream) **contains metadata** (capture session contains data about file stream) **to change display features of the file stream,** said display features comprising at least one of: **video refresh rate data, resolution data, or close captioning data** ([0060] - *a capture session (e.g., media sources and types, quality, resultant bitrate, buffer size, and output stream or file location)… options to the user, such as capture frame rate, output resolution, time distortion (e.g., slow motion)…*).

Mehrotra teaches of displaying data with the use of a display driver and display controller including further control of the data by capturing the file stream with a session that provides said file stream information including frame rage, output resolution and time distortion. Considering Nason discloses of a display driver to display a file stream for bitmapped data in a frame buffer and further controlling the data by providing security with encryption/decryption to protect the data being displayed, it would have been obvious to one of ordinary skill in the art to have combined the Nason's display driver and security measures and include Mehrotra's file stream manipulation capabilities of including video refresh rate, resolution data, and time distortion. Doing so would provide the means of a secure file stream and the controlling means of the file stream, with the additional options of changing a display feature of the file stream.

5. Regarding claim 3, Nason teaches of wherein the display driver is adapted to perform the steps comprising: **determining if a user has authorization if digital**

rights management (method of authorization is through a system that verifies authorization of requestor) **has been applied to the file stream; and if the user has authorization, performing the steps of transforming the file stream and storing the transformed file stream in the bitmapped frame buffer** ([Column 7, lines 18-45] - *store the bitmap in an obfuscated form and de-obfuscate (or un-obfuscate) the bitmap when it is sent to the video card to be stored in VRAM 302. The term de-obfuscate (or un-obfuscate) is used to refer to the reverse process used to obfuscate data. Thus, for example, decryption of encrypted data is a de-obfuscation process…* and [Column 17, lines 53-67] and [Column 18, lines 1-20] - *to determine whether an "security authorized" requester has issued the read request, and, if so, continues in step 2004… authentication mechanisms can be used to authenticate the requestor after the requestor has initially registered with the secure input driver. In step 2003, the driver code determines whether the authorized requestor has also specified that it desires obfuscated input… when obfuscation has been requested, the input driver obfuscates the input code, using whatever obfuscation technique is implemented or specified…*).

6. Regarding claim 4, Mehrotra and Nason teach the limitations of claim 1 above, Nason further teaches of **wherein the display driver is further adapted to perform the step of decrypting the file stream if the file stream is encrypted** ([Column 6, lines 28-54] - *The display driver of the operating system (OS) than sends this bitmap to the video card for storage in the video display memory 203 (e.g., VRAM) residing on the card. The bitmap to be drawn is typically stored in a designated portion of the VRAM,*

called the frame buffer 204, as a static bitmap. The area of the frame buffer 204 that corresponds to the portion of the display device 220… and [Column 10, lines 20-44] - *valid data destined for the secure portion of the frame buffer is stored as valid data (e.g., in a valid data buffer, VDB) or is stored as encrypted or masked data (e.g., in a secure data buffer, SDB) which is decrypted or de-masked prior to copying in the "valid" data into the frame buffer…*)

7. Regarding claim 9, Nason and Mehrotra teach the limitations of claim 1 above, and Nason further teaches of **wherein the display driver is adapted to process data in the bitmapped frame buffer** ([Column 6, lines 28-54] - *The display driver of the operating system (OS) than sends this bitmap to the video card for storage in the video display memory 203 (e.g., VRAM) residing on the card. The bitmap to be drawn is typically stored in a designated portion of the VRAM, called the frame buffer 204, as a static bitmap. The area of the frame buffer 204 that corresponds to the portion of the display device 220…*). However both Nason and Mehrotra fail to specifically teach of the display driver is adapted to **generate a Digital Light Processing display**. Nason does teach of the display driver sending bitmap information to a video card and the to a display device 220. As Digital Light Processing displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by Nason would be able to process data with a command signal compatible for a DLP display.

8. Regarding claim 10, Nason and Mehrotra teach the limitations of claim 1 above, and Nason further teaches of **wherein the display driver is adapted to process data in the bitmapped frame buffer** ([Column 6, lines 28-54] - *The display driver of the operating system (OS) than sends this bitmap to the video card for storage in the video display memory 203 (e.g., VRAM) residing on the card. The bitmap to be drawn is typically stored in a designated portion of the VRAM, called the frame buffer 204, as a static bitmap. The area of the frame buffer 204 that corresponds to the portion of the display device 220…*). However both Nason and Mehrotra fail to specifically teach of the display driver is adapted to **generate a Liquid Crystal Device display**. Nason does teach of the display driver sending bitmap information to a video card and the to a display device 220. As Liquid Crystal Device displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by Nason would be able to process data with a command signal compatible for an LCD display.

9. Regarding claim 11, Nason and Mehrotra teach the limitations of claim 1 above, and Nason further teaches of **wherein the display driver is adapted to process data in the bitmapped frame buffer** ([Column 6, lines 28-54] - *The display driver of the operating system (OS) than sends this bitmap to the video card for storage in the video display memory 203 (e.g., VRAM) residing on the card. The bitmap to be drawn is*

typically stored in a designated portion of the VRAM, called the frame buffer 204, as a static bitmap. The area of the frame buffer 204 that corresponds to the portion of the display device 220…). However both Nason and Mehrotra fail to specifically teach of the display driver is adapted to **generate a Micro Electrical Mechanical display**. Nason does teach of the display driver sending bitmap information to a video card and the to a display device 220. As Micro Electrical Mechanical displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by Nason would be able to process data with a command signal compatible for an MEM display.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,007,025 (Nason) and U.S. Publication No.: US 2004/0001544 A1 (Mehrotra) as applied to claim 1 above, and further in view of U.S. Patent No. 6,714,650 (Maillard).

11. Regarding claim 2, Mehrotra and Nason teach the limitations of claim 1 above, however both Mehrotra and Nason fail to specifically teach of **the display driver module and decoder are disposed on a same substrate**. Maillard teaches of a display driver wherein digital data is being transferred from a variety of input signals, and then processed according to the configuration needed for rendering on a display.

Maillard also teaches of wherein the display driver ([Fig. 2, (central processor means - 20)] and [Column 6 lines 44-53]) contains a display module (Fig. 2, (decoder - 13)) that is used to control the data for display ([Abstract] and [Column 6 lines 26-43]). Maillard further teaches of a **display driver teaches of wherein the display driver module and decoder are disposed on a same substrate** (Maillard shows by Fig. 2 that the components are grouped together in one unit (unit 13)).

Mehrotra and Nason teach of displaying data with the use of a display driver and display controller including further control of the data by capturing the file stream with a session that provides said file stream information including frame rage, output resolution and time distortion and further controlling the data by providing security with encryption/decryption to protect the data being displayed. Since Mehrotra and Nason capture several features by use of modules with a circuit structure that provides the limitations taught above, and Maillard further teaches of having several modules for displaying and controlling the display with modules (display driver module and decoder) integrated on the same substrate, it would have been obvious to one of ordinary skill in the art to have combined Mehrotra and Nason's display driver modules, decoder and functions with the Maillard's concept of integrating the display driver module with the decoder module on a single substrate. Doing so would provide the means for a single chip with all of the processing modules and functions for maximum processing capabilities with connection integrity.

12. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,007,025 (Nason) and U.S. Publication No.: US 2004/0001544 A1 (Mehrotra) as applied to claim 1 above, and further in view of U.S. Patent No. 7,224,891 (Jam).

13. Regarding claim 6, Mehrotra and Nason teach the limitations of claim 1 above, however both Mehrotra and Nason fail to specifically teach of **wherein the decoder is adapted to transform the file stream from a MPEG-2 format into the bitmapped frame buffer of the display driver module.** Jam teaches of a display system to display a file stream, comprising: having a bitmapped frame buffer (Fig. 2, frame buffer 106), and a decoder (Fig. 2, decoder 104) to transform the file stream and store the transformed file stream in the bitmapped frame buffer ((Fig. 2, DVD player 200) adapted to process data in the bitmapped frame buffer to generate the display ([Fig. 2], [Column 2 lines 18-43], and [Column 3 lines 37-46]). Jam further teaches of **wherein decoder is adapted to transform the file stream from a MPEG-2 format into the bitmapped frame buffer of the display driver module** ([Column 2 lines 47-61]).

Mehrotra and Nason teach of displaying data with the use of a display driver and display controller including further control of the data by capturing the file stream with a session that provides said file stream information including frame rage, output resolution and time distortion and further controlling the data by providing security with encryption/decryption to protect the data being displayed. Since Mehrotra and Nason capture several features by use of modules with a circuit structure that provides the

limitations taught above and Jam further teaches of having several formats that the data can be stored in before the decrypting or decoding process into the frame buffer, it would have been obvious to one of ordinary skill in the art to have combined Mehrotra and Nason's display driver modules, decoder and functions with Jam's multiple formats of file streams. Doing so would provide the means for a display driver and display controller that includes a secure method of transporting data and further include the options of changing a display feature of the file stream and adding the additional feature of being able to work in of multiple formats.

14. Regarding claim 7, Mehrotra and Nason teach the limitations of claim 1 above, however both Mehrotra and Nason fail to specifically teach of **wherein the decoder is adapted to transform the file stream from a Windows Media File (WMF) format into the bitmapped frame buffer of the display driver module**. Jam teaches of a display system to display a file stream, comprising: having a bitmapped frame buffer (Fig. 2, frame buffer 106), and a decoder (Fig. 2, decoder 104) to transform the file stream and store the transformed file stream in the bitmapped frame buffer ((Fig. 2, DVD player 200) adapted to process data in the bitmapped frame buffer to generate the display ([Fig. 2], [Column 2 lines 18-43], and [Column 3 lines 37-46]). Jam further teaches of having various compatibility standards such as JPEG, MPEG, DVD, PNG and GIF ([Column 2 lines 47-61]). It is not specifically taught that a Windows Media File (WMF) format can be file streamed into the system. However it would have been

obvious to one skilled in the art that a WMF file may be transformed since it is common in the art to use.

Mehrotra and Nason teach of displaying data with the use of a display driver and display controller including further control of the data by capturing the file stream with a session that provides said file stream information including frame rage, output resolution and time distortion and further controlling the data by providing security with encryption/decryption to protect the data being displayed. Since Mehrotra and Nason capture several features by use of modules with a circuit structure that provides the limitations taught above and Jam further teaches of having several formats that the data can be stored in before the decrypting or decoding process into the frame buffer, it would have been obvious to one of ordinary skill in the art to have combined Mehrotra and Nason's display driver modules, decoder and functions with Jam's multiple formats of file streams. Doing so would provide the means for a display driver and display controller that includes a secure method of transporting data and further include the options of changing a display feature of the file stream and adding the additional feature of being able to work in of multiple formats.

15. Regarding claim 8, Mehrotra and Nason teach the limitations of claim 1 above, however both Mehrotra and Nason fail to specifically teach of **wherein the decoder is adapted to transform the file stream from a next generation MPEG compression scheme format into the bitmapped frame buffer of the display driver module**. Jam teaches of a display system to display a file stream, comprising: having a bitmapped

frame buffer (Fig. 2, frame buffer 106), and a decoder (Fig. 2, decoder 104) to transform the file stream and store the transformed file stream in the bitmapped frame buffer ((Fig. 2, DVD player 200) adapted to process data in the bitmapped frame buffer to generate the display ([Fig. 2], [Column 2 lines 18-43], and [Column 3 lines 37-46]). Jam further teaches of having various compatibility standards such as JPEG, MPEG, DVD, PNG and GIF ([Column 2 lines 47-61]). It is not specifically taught that a Next Generation MPEG format can be file streamed into the system. However it would have been obvious to one skilled in the art that a Next Generation MPEG format may be transformed since it is common in the art to use.

NOTE: Next generation MPEG is considered to be equivalent as the MPEG-4 as per the Apple Corporation.

Mehrotra and Nason teach of displaying data with the use of a display driver and display controller including further control of the data by capturing the file stream with a session that provides said file stream information including frame rage, output resolution and time distortion and further controlling the data by providing security with encryption/decryption to protect the data being displayed. Since Mehrotra and Nason capture several features by use of modules with a circuit structure that provides the limitations taught above and Jam further teaches of having several formats that the data can be stored in before the decrypting or decoding process into the frame buffer, it would have been obvious to one of ordinary skill in the art to have combined Mehrotra and Nason's display driver modules, decoder and functions with Jam's multiple formats of file streams. Doing so would provide the means for a display driver and display

controller that includes a secure method of transporting data and further include the options of changing a display feature of the file stream and adding the additional feature of being able to work in of multiple formats.

16. Claims 12-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,714,650 (Maillard), in view of U.S. Patent No. 7,224,891 (Jam).

17. As per claim 12, Maillard teaches of a method to drive a display driver of an encoded file stream comprising the steps of: **receiving the encoded file stream; transforming** (descrambling) **the encoded file stream into a format of the display driver, thereby generating a transformed file stream** ([Column 1, lines 1-24] – *transmission and recording of scrambled digital data, for example broadcast audio and/or visual data… a decoder or receiver/decoder capable of descrambling the transmitted program for subsequent viewing…* [Column 2 lines 31-43] - *receiver/decoder may be… integrated with other devices such as digital television…* and [Column 4, lines 26-40] – *The term "receiver/decoder" or "decoder" used herein may connote a receiver for receiving either encoded or non-encoded signals… Embodiments of such receiver/decoders may include a decoder integral with the receiver for decoding the received signals, for example, in a "set-top box", such a decoder functioning in combination with a physically separate receiver, or such a*

decoder including additional functions, such as a web browser or integrated with other devices such as a video recorder or a television.)

However, Maillard fails to specifically teach of **storing the transformed file stream in the bitmapped frame buffer of the display driver**. Jam teaches of a display system to display a file stream, comprising: having a bitmapped frame buffer (Fig. 2, frame buffer 106), and a decoder (Fig. 2, decoder 104) to transform the file stream and store the transformed file stream in the bitmapped frame buffer ((Fig. 2, DVD player 200) adapted to process data in the bitmapped frame buffer to generate the display ([Fig. 2], [Column 2 lines 18-43], and [Column 3 lines 37-46]).

Jam teaches of a system that takes a digital signal of many formats and processes it using a streaming method for immediate display and Maillard also teaches of a similar system that receives digital signals of different formats and processes it using a streaming method for immediate display, but includes a conditional access unit for regulated use. It would have been obvious for one skilled in the art to have combined the teachings of Jam and Maillard to obtain a media system with streaming capabilities of immediate display and conditional access. Doing so would provide means for having an immediate live stream media system with the further inclusion of data protection for sensitive data or unauthorized data usage.

18. As per claim 13, Jam and Maillard teach the limitations of claim 12 above, and Maillard teaches of further comprising the step of **decoding the encoded file stream** ([Fig 2, (30)] and [Column 6 lines 32-43] - *The decoder is additionally adapted to receive*

inputs… to a demultiplexer/descrambler 30 to enable the encrypted broadcast signal to be descrambled. The decoder also includes a conventional tuner 31 and demodulator 32 to receive and demodulate the satellite transmission before being filtered and demultiplexed by the unit 30.).

19. As per claim 14, Jam and Maillard teach the limitations of claim 12 and Jam further teaches of comprising the step of **processing data in the bitmapped frame buffer to generate a display** ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*).

20. Regarding claim 15, both Jam and Maillard teach the limitations of claims 12 and 14 above, and Jam further teaches of **processing data in the bitmapped frame buffer** (Jam, component 106 as described above in claim 14) **to generate a display** ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*). However both Jam and Maillard fail to specifically teach of wherein the processed data is specifically **to generate a Digital Light Processing display**. Jam teaches in [Column 3 lines 1-8] (*The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a*

frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…) and Maillard teaches in [Column 6 lines 54-65] of media outputs for standard video output (e.g. RGB/YUV). As Digital Light Processing displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by both Jam and Maillard would be able to process data with a command signal compatible for a DLP display.

21. Regarding claim 16, both Jam and Maillard teach the limitations of claims 12 and 14 above, and Jam further teaches of **processing data in the bitmapped frame buffer** (Jam, component 106 as described above in claim 14) **to generate a display** ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*). However both Jam and Maillard fail to specifically teach of wherein the processed data is specifically **to generate a Liquid Crystal Device display**. Jam teaches in [Column 3 lines 1-8] (*The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) and Maillard teaches in [Column 6 lines 54-65] of media outputs for standard video output (e.g.

RGB/YUV). As Liquid Crystal Device displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by both Jam and Maillard would be able to process data with a command signal compatible for an LCD display.

22. Regarding claim 17, both Jam and Maillard teach the limitations of claims 12 and 14 above, and Jam further teaches of **processing data in the bitmapped frame buffer** (Jam, component 106 as described above in claim 14) **to generate a display** ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*). However both Jam and Maillard fail to specifically teach of wherein the processed data is specifically **to generate a Micro Electrical Mechanical (MEM) display**. Jam teaches in [Column 3 lines 1-8] (*The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) and Maillard teaches in [Column 6 lines 54-65] of media outputs for standard video output (e.g. RGB/YUV). As MEM controlled rendering device displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming

devices disclosed by both Jam and Maillard would be able to process data with a command signal compatible for a MEM controlled rendering device.

23. As per claim 18, Jam and Maillard teach the limitations of claim 12 above, and Maillard further teaches of **wherein steps are performed on a same substrate** (Maillard shows by Fig. 2 that the components are grouped together in one unit (unit 13)).

24. Regarding claim 19, Jam and Maillard both teach the limitations of claim 12 above; however, Jam and Maillard both fail to specifically teach of the recitation of claim 19 wherein further comprising the steps of: **determining if a user has authorization if digital rights management has been applied to the file stream; if the user has authorization, performing the steps of transforming the file stream into a format of the display driver module and storing the transformed file stream in the bitmapped frame buffer; and dropping the file stream without performing the steps of transforming the file stream into a format of the display driver module and storing the transformed file stream in the bitmapped frame buffer if the user does not have authorization.** Maillard does teach of a controlled access for the rights of media bearing needs for authorization and it is wherein it is well known in prior art that users with authorization to access a media are called (in some cases) subscribers which give temporary rights view transmitted programming ([Column 1 lines 7-24]). Maillard also discloses of more permanent authorizations or removable authorizations

from a device, and further teachings of interactive systems and conditional access systems that allow those authorized to view content only after being accepted ([Column 2 lines 19-30] and [Column 6 lines 4-23]). Once the authorization is granted, Maillard teaches wherein the data enables the user to interact with the media ([Column 6 lines 13-22]). Maillard fails to specifically mention but it would have been obvious to those skilled in the art that if an authorization is not granted, then there will be no processing of any media for the use of users. Instead it would be obvious for the file stream to be blocked and not be saved within a buffer for display, and wait until an authorization was granted for any successive request. Maillard also fails to teach the step of transforming the steam file of data into a format for the display and storing the stream in the frame buffer.

Jams, does teach of having a bitmapped frame buffer (Fig. 2, frame buffer 106), and a decoder (Fig. 2, decoder 104) to transform the file stream and store the transformed file stream in the bitmapped frame buffer ((Fig. 2, DVD player 200) adapted to process data in the bitmapped frame buffer to generate the display ([Fig. 2], [Column 2 lines 18-43], and [Column 3 lines 37-46]).

25. As per claim 20, Jam and Maillard teach the limitations of claims 12 and 19 above, and Maillard teaches of further comprising the step of **decrypting the file stream if the file stream is encrypted** ([Fig 2, (30)] and [Column 6 lines 32-43]).

26. As per claim 21, Maillard teaches of **wherein the file stream contains metadata** (ECM/EMM)**, the method further comprising the step of processing the metadata** ([Column 5 lines 61-67] and [Column 6 lines 1-3] - *Transmission of scrambled data in this way is well known in the field of pay TV systems. Typically, scrambled data is transmitted together with a control word for descrambling of the data, the control word itself being encrypted by a so-called exploitation key and transmitted in encrypted form in an ECM (Entitlement Control Message)… the scrambled data and encrypted control word are then received by the decoder 13 having access to an equivalent of the exploitation key stored on a smart card inserted in the decoder to decrypt the encrypted ECM and control word and thereafter descramble the transmitted data.*).

NOTE: The Examiner is considering Entitlement Control Message (ECM) / Entitlement Management Message (EMM) equivalent to metadata. As the Applicant has not specifically defined Metadata within the claim or in the specification, Metedata is defined as "data about" something. These messages are exploitation keys that relate about the encrypted data to permit viewing of the transmission.

27. As per claim 22, Jam and Maillard teach the limitations of claim 12 above, and Jam further teaches of **wherein the step of transforming the encoded file stream into a format of the display driver module** (Jam ~ [Fig. 2], [Column 2 lines 18-43], and [[Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video,*

component video, and composite video…) comprises the **step of transforming a MPEG-2 encoded file stream** into the bitmapped frame buffer of the display driver module (Jam ~ [Column 2 lines 47-61]- *Embodiments of the present invention may utilize various standards, for example…. the MPEG2 standard…*).

28. Regarding claim 23, both Jam and Maillard teach the limitations of claim 12 above, and Jam further teaches of **wherein the step of transforming the encoded file stream into a format of the display driver module** (Jam, component 106 as described above in claim 14) ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) comprises the step of **transforming a Windows Media File (WMF) encoded file stream into the bitmapped frame buffer of the display driver module**. Jam does teach of having various compatibility standards such as JPEG, MPEG, DVD, PNG and GIF ([Column 2 lines 47-61]). It is not specifically taught that a Windows Media File (WMF) format can be file streamed into the system. However it would have been obvious to one skilled in the art that a WMF file may be transformed since it is common in the art to use. It would also be a matter of design choice to use a different data compression/encryption/play back scheme.

29. Regarding claim 24, both Jam and Maillard teach the limitations of claim 12 above, and Jam further teaches of **wherein the step of transforming the encoded file stream into a format of the display driver module** (Jam, component 106 as described above in claim 14) ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) comprises the step of **transforming a next generation MPEG compression scheme encoded file stream into the bitmapped frame buffer of the display driver module**. Jam does teach of having various compatibility standards such as JPEG, MPEG, DVD, PNG and GIF ([Column 2 lines 47-61]). It is not specifically taught that a Next Generation MPEG format can be file streamed into the system. However it would have been obvious to one skilled in the art that a Next Generation MPEG format may be transformed since it is common in the art to use. It would also be a matter of design choice to use a different data compression/encryption/play back scheme.

NOTE: Next generation MPEG is considered to be equivalent as the MPEG-4 as per the Apple Corporation.

30. Regarding claim 25, Maillard teaches of a method to apply digital rights management of data from the point of capture to the point of rendering comprising the steps of: **capturing the data** (receiving the encoded file stream); **applying digital rights management to the encoded media file; transmitting the encoded media file**

to a rendering device; unwrapping the digital rights management applied to the encoded media file (Fig. 2 shows a controlled access (29) for the rights of media bearing needs for authorization. Maillard discloses ([Column 1 lines 7-24] – provides a user with the authorization via an encryption code for the unlocking of data for display) wherein it is well known in prior art that users with authorization to access a media are called (in some cases) subscribers which give temporary rights view transmitted programming. Maillard also discloses ([Column 2 lines 19-30]) of more permanent authorizations or removable authorizations from a device, and ([Column 6 lines 4-23]) further teachings of interactive systems and conditional access systems that allow those authorized to view content only after being accepted. Once the authorization is granted, Maillard teaches ([Column 6 lines 13-22]) wherein the data enables the user to interact with the media.

Maillard fails to specifically mention that without authorization media can not be used, however it would have been obvious to those skilled in the art that if an authorization is not granted, then there will be no processing of any media for the use of users. Instead it would be obvious for the file stream to be blocked and not be saved within a buffer for display, and wait until an authorization was granted for any successive request).

Maillard fails to teach of **decoding the encoded media file into a driver frame buffer; transforming the data in the frame buffer into an encoded media file; and generating commands to control display components using data in the driver frame buffer**. Jam teaches of a display system to display a file stream, comprising:

having a bitmapped frame buffer (Fig. 2, frame buffer 106), and a decoder (Fig. 2, decoder 104) to transform the file stream and store the transformed file stream in the bitmapped frame buffer ((Fig. 2, DVD player 200) adapted to process data in the bitmapped frame buffer to generate the display ([Fig. 2], [Column 2 lines 18-43], and [Column 3 lines 37-46] also Fig. 3 and [Column 4, lines 9-20]). Jam also teaches having a controller for controlling the display once the data is being streamed. Fig. 2 shows the components of 204 and 208 of which are a navigation unit and a remote control that, with the user interface provides the capabilities for display manipulation.

Jam further teaches of a system that takes a digital signal of many formats and processes it using a streaming method for immediate display and Maillard also teaches of a similar system that receives digital signals of different formats and processes it using a streaming method for immediate display, but includes a conditional access unit for regulated use. It would have been obvious for one skilled in the art to have combined the teachings of Jam and Maillard to obtain a media system with streaming capabilities of immediate display and conditional access. Doing so would provide means for having an immediate live stream media system with the further inclusion of data protection for sensitive data or unauthorized data usage.

31. As per claim 26, Jam and Maillard teach the limitations of claim 25 above, and Jam further teaches of comprising the step of **sending the commands to the rendering components** ([Column 3 lines 37-63] - *navigator 204 sends a command for a next sequence to be displayed… navigator 204 may received user commands…*).

32. As per claim 27, Jam and Maillard teach the limitations of claim 25 above and Maillard further teaches of the steps of **capturing the data** (receiving the encoded file stream); **transforming the data in the frame buffer into an encoded media file, encoded media file on a same substrate** (Maillard shows by Fig. 2 that the components are grouped together in one unit (unit 13).) **and applying digital rights management to the encoded media file includes performing the steps of capturing data** (Fig. 2 shows a controlled access (29) for the rights of media bearing needs for authorization. Maillard discloses ([Column 1 lines 7-24]) wherein it is well known in prior art that users with authorization to access a media are called (in some cases) subscribers which give temporary rights view transmitted programming. Maillard also discloses ([Column 2 lines 19-30]) of more permanent authorizations or removable authorizations from a device, and ([Column 6 lines 4-23]) further teachings of interactive systems and conditional access systems that allow those authorized to view content only after being accepted. Once the authorization is granted, Maillard teaches ([Column 6 lines 13-22]) wherein the data enables the user to interact with the media.

Maillard fails to specifically mention but it would have been obvious to those skilled in the art that if an authorization is not granted, then there will be no processing of any media for the use of users. Instead it would be obvious for the file stream to be blocked and not be saved within a buffer for display, and wait until an authorization was granted for any successive request).

Maillard fails to teach of **storing the data directly into a frame buffer of an encoder, transforming the data in the frame buffer into an encoded media file.** Jam teaches of a display system to display a file stream, comprising: having a bitmapped frame buffer (Fig. 2, frame buffer 106), and a decoder (Fig. 2, decoder 104) to transform the file stream and store the transformed file stream in the bitmapped frame buffer ((Fig. 2, DVD player 200) adapted to process data in the bitmapped frame buffer to generate the display ([Fig. 2], [Column 2 lines 18-43], and [Column 3 lines 37-46]). Jam teaches of a system that takes a digital signal of many formats and processes it using a streaming method for immediate display and Maillard also teaches of a similar system that receives digital signals of different formats and processes it using a streaming method for immediate display, but includes a conditional access unit for regulated use.

33. Regarding claim 28, Jam and Maillard teach the limitations of claims 25 and 27 above and Maillard further teaches of wherein the steps of **unwrapping the digital rights management applied to the encoded media file** (Fig. 2 shows a controlled access (29) for the rights of media bearing needs for authorization, and in [Column 1 lines 7-24] it is disclosed that it is well known in prior art that users with authorization to access a media are called (in some cases) subscribers which give temporary rights view transmitted programming. Maillard discloses ([Column 2 lines 19-30]) of more permanent authorizations or removable authorizations from a device, and ([Column 6 lines 4-23]) further teachings of interactive systems and conditional access systems that

allow those authorized to view content only after being accepted. Once the authorization is granted, Maillard teaches ([Column 6 lines 13-22]) wherein the data enables the user to interact with the media); **decoding the encoded media file** ([Fig 2, (30)] and [Column 6 lines 32-43]). Maillard further teaches of having components **on a second substrate** (See the system in Fig. 1 wherein the conditional access system (15) and interactive system (16) are separate from the set top box as described in [Column 5 lines 14-22]).

Maillard fails to teach the step of transforming the stream file of data into a format for the display and storing the stream in the frame buffer. Jam teaches of a display system to display a file stream, comprising: having a bitmapped frame buffer (Fig. 2, frame buffer 106), and a decoder (Fig. 2, decoder 104) to transform the file stream and store the transformed file stream in the bitmapped frame buffer ((Fig. 2, DVD player 200) adapted to process data in the bitmapped frame buffer to generate the display ([Fig. 2], [Column 2 lines 18-43], and [Column 3 lines 37-46]). Maillard further fails to teach of decoding the encoded media file **into a display driver frame buffer** ([Fig. 2], [Column 2 lines 18-43]), **generating commands to control display components based on data in the driver frame buffer, and sending the commands to the display components.** (Fig. 2 shows of a controller for controlling the display once the data is being streamed. The components of 204 and 208 of which are a navigation unit and a remote control that, with the user interface provides the capabilities for display manipulation).

34. Regarding claim 29, it is similar in scope to claim 28 except wherein instead of sending the commands to the display components on a second substrate it is done on the same substrate. It would have been obvious to have the commands sent from on the same substrate with the rationale that Maillard shows by Fig. 2 that the components are grouped together in one unit (unit 13). Therefore claim 29 is rejected upon the same rationale of claim 28 above and the obviousness of having one substrate.

35. As per claim 30, Jam and Maillard teach the limitations of claim 25 above and Jam further teaches of wherein the step of transforming the data in the frame buffer into an encoded media file comprises **transforming the data in the frame buffer into a MPEG-2 encoded media file** ([Fig. 4, (104)], [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…* and [Column 5 lines 22-43]) and the step of decoding the encoded media file into the driver frame buffer comprises the **step of decoding the MPEG-2 encoded media file into the driver frame buffer** (Jam ~ [Column 2 lines 47-61] - *Embodiments of the present invention may utilize various standards, for example…. the MPEG2 standard…*).

36. As per claim 31, Jam and Maillard teach the limitations of claim 25 above; however, both Jam and Maillard fail to teach wherein the step of transforming the data in the frame buffer into an encoded media file (Jam, component 106 as described above

in claim 14) ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) comprises **transforming the data in the frame buffer into a Windows Media File (WMF) encoded media file** and the step of decoding the encoded media file into the driver frame buffer comprises **the step of decoding the WMF encoded media file into the driver frame buffer**. Jam does teach of having various compatibility standards such as JPEG, MPEG, DVD, PNG and GIF ([Column 2 lines 47-61]). It is not specifically taught that a Windows Media File (WMF) format is the transformation method that is streamed into the system. However it would have been obvious to one skilled in the art that a WMF format may be transformed since it is common in the art to use and where the stream would be decoded ([Fig. 2]) into the frame buffer. It would also be a matter of design choice to use a different data compression/encryption/play back scheme.

37. As per claim 32, Jam and Maillard teach the limitations of claim 25 above; however, both Jam and Maillard fail to specifically teach of wherein the step of transforming the image data in the frame buffer into an encoded media file (Jam, component 106 as described above in claim 14) ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and*

composite video...) comprises **transforming the image data in the frame buffer into a next generation MPEG compression scheme encoded media file** and the step of decoding the encoded media file into the driver frame buffer comprises **the step of decoding the next generation MPEG compression scheme encoded media file into the driver frame buffer**. Jam does teach of having various compatibility standards such as JPEG, MPEG, DVD, PNG and GIF ([Column 2 lines 47-61]). It is not specifically taught that a Next Generation MPEG format is the transformation method that is streamed into the system. However it would have been obvious to one skilled in the art that a Next Generation MPEG format may be transformed since it is common in the art to use and where the stream would be decoded ([Fig. 2]) into the frame buffer. It would also be a matter of design choice to use a different data compression/encryption/play back scheme.

NOTE: Next generation MPEG is considered to be equivalent as the MPEG-4 as per the Apple Corporation.

38. As per claim 33, Jam and Maillard teach the limitations of claim 25 above and Maillard teaches of further comprising the step of **applying metadata contained in the encoded media file** ([Column 5 lines 61-67] and [Column 6 lines 1-3]).

NOTE: The Examiner is considering Entitlement Control Message (ECM) / Entitlement Management Message (EMM) equivalent to metadata. As the Applicant has not specifically defined Metadata within the claim or in the specification, Metedata is

defined as "data about" something. These messages are exploitation keys that relate about the encrypted data to permit viewing of the transmission.

39. Regarding claim 34, both Jam and Maillard teach the limitations of claim 25 above, and Jam further teaches of **processing data in the bitmapped frame buffer** (Jam, component 106 as described above in claim 14) **to generate a display** ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*). However both Jam and Maillard fail to specifically teach of wherein the processed data is specifically **to generate a Digital Light Processing display**. Jam teaches in [Column 3 lines 1-8] (*The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) and Maillard teaches in [Column 6 lines 54-65] of media outputs for standard video output (e.g. RGB/YUV). As Digital Light Processing displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by both Jam and Maillard would be able to process data with a command signal compatible for a DLP display.

40. Regarding claim 35, both Jam and Maillard teach the limitations of claim 25 above, and Jam further teaches of **processing data in the bitmapped frame buffer** (Jam, component 106 as described above in claim 14) **to generate a display** ([Fig. 2, (106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*). However both Jam and Maillard fail to specifically teach of wherein the processed data is specifically **to generate a Liquid Crystal Device display**. Jam teaches in [Column 3 lines 1-8] (*The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) and Maillard teaches in [Column 6 lines 54-65] of media outputs for standard video output (e.g. RGB/YUV). As Liquid Crystal Device displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by both Jam and Maillard would be able to process data with a command signal compatible for an LCD display.

41. Regarding claim 36, both Jam and Maillard teach the limitations of claim 25 above, and Jam further teaches of **processing data in the bitmapped frame buffer** (Jam, component 106 as described above in claim 14) **to generate a display** ([Fig. 2,

(106)] and [Column 3 lines 1-8] - *The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*). However both Jam and Maillard fail to specifically teach of wherein the processed data is specifically **to generate a Micro Electrical Mechanical (MEM) display**. Jam teaches in [Column 3 lines 1-8] (*The digital video is processed by a MPEG2 decoder 104. The decoded video is received and buffered by a frame buffer 106, and one or more video signals are output. Example forms of output video signals include S video, component video, and composite video…*) and Maillard teaches in [Column 6 lines 54-65] of media outputs for standard video output (e.g. RGB/YUV). As MEM controlled rendering device displays are common in the art as a display that will receive a signal that would be standard to any ordinary television, it would have been obvious that devices such as the streaming devices disclosed by both Jam and Maillard would be able to process data with a command signal compatible for a MEM controlled rendering device.

Response to Arguments

Response to Remarks:

42. Applicant's arguments with respect to claims 1-4 and 6-11 have been considered but are moot in view of the new ground(s) of rejection.

43. Applicant's arguments regarding claim 12 (Remarks, page 14) recite in part:

"The Office takes the position that transforming a file format and descrambling a signal are synonymous. Applicant respectfully disagrees. For example, scrambling is defined by Newton's Telecom Dictionary, 23ra Ed., as "traditionally defined in the science of cryptology as an analog method of concealing communications signals which uses the process of heterodyne, band division, transposition, or signal inversion." Newton's at page 814. Descrambling would therefore include the reversal of the methods used to conceal the communications. Claim 12 is directed, in part, to the transforming of file streams into a format of a display driver. Further, no mention is made either in the definition of scrambling cited in Newton's or Maillard of changing the format of a file. Rather, it is submitted that scrambling uses different processes to manipulate the contents of a file, but does not change the format of the file. Manipulating the contents of a file and changing the format of a file are two entirely different processes."

The Examiner respectfully disagrees with the Applicant. The Applicant pointed out that claim states in part: "transforming the encoded file stream into a format of the display driver.", and further points out that "no further mention is made either in the definition of scrambling cited in Newton's or Maillard of *changing the file format of a file*. It is respectfully pointed out that the claim does not actually disclose of *changing the file format of a file*, only that a transformation of the encoded file stream has occurred. The Applicant further defines descrambling with: "process of heterodyne, band division, transposition, or signal inversion" (all of which are transformations).

44. Applicant's arguments regarding claim 12 (Remarks, page 14) recite in part:

"Claim 12 recites transforming the encoded file stream into a format compatible to the display driver, and not descrambling the file stream. Maillard makes no mention, either expressly or inherently, of transforming the encoded file stream into a format of the display driver, thereby generating a transformed file stream."

The Examiner respectfully disagrees with the Applicant. The Examiner notes that Maillard expressly states within [Column 1, lines 1-24] – ("transmission and recording of scrambled digital data, for example broadcast audio and/or visual data... Transmission of scrambled or encrypted digital data is well-known in the field... possessing a decoder or receiver/decoder capable of descrambling the transmitted program for subsequent viewing... and thereafter descramble the transmitted data."). Millard further states in [Column 4, lines 26-40] – (The term "receiver/decoder" or "decoder" used herein may connote a receiver for receiving either encoded or non-encoded signals, for example, television and/or radio signals, which may be broadcast or transmitted by some other means. The term may also connote a decoder for decoding received signals. Embodiments of such receiver/decoders may include a decoder integral with the receiver for decoding the received signals, for example, in a "set-top box", such a decoder functioning in combination with a physically separate receiver, or such a decoder including additional functions, such as a web browser or integrated with other devices such as a video recorder or a television.). From the above disclosures it is clear that Millard teaches "transforming the encoded file stream into a format of the display driver, thereby generating a transformed file stream".

45. Applicant's arguments regarding claim 12 (Remarks, page 14) recite in part:

"Accordingly, it is respectfully submitted that the Maillard and Jam references, whether alone or in combination, fail to teach or suggest all of the limitations of amended independent claim 12 and thus, a prima facie case of obviousness cannot be established for this claim based on the Jam and Maillard references. See, In re Vaeck, 947 F.2d 488, 20 USPQ 2d 1438 (Fed. Cir. 1991)."

The Examiner respectfully disagrees with the Applicant assertions as to any deficiencies with the prima facie regarding Maillard and Jam. Considering the combination of Maillard and Jam teach all of the limitations of claim 12 as stated above, and through the rationale provided within claim 12 that Maillard and Jam are obvious to combine a clear case of prima facia has been established and the rejection of claim 12 will be maintained.

In view of Applicants arguments above, the Examiner respectfully notes that the arguments are not persuasive and therefore the rejection claim 12 is maintained.

46. Applicant's arguments regarding claims 13-24 (Remarks, page 15) recite in part:

"Claims 13-24 depend, either directly or indirectly, from independent claim 12 and are patentable for at least the reasons of claim 12... Each of claims 13-24 is believed to be in condition for allowance and such favorable action is respectfully requested."

The Examiner respectfully disagrees with the Applicant's assertion that claims 13-24 are in condition for allowance. The rejection of claim 12 has been maintained and therefore since claims 13-24 depend, either directly or indirectly, each of said claims are being rejected as incorporating the deficiencies of the claim upon which it depends.

47. Applicant's arguments regarding claim 25 (Remarks, page 16) recite in part:

"The Office does not provide a citation for support of the Jam or Maillard references' capability of storing data directly into a frame buffer of an encoder. It is respectfully submitted that neither the Jam Maillard reference teach the storing of data directly into a frame buffer of an encoder."

The Examiner respectfully disagrees with the Applicant. Claim 25 recites a limitation that stores the captured data into a frame buffer of an encoder. Considering Applicant's Fig. 4 it is apparent that data is being received at the time that it is being stored for the application of digital rights management. The figure does not show that a frame buffer has been used to directly store data. Furthermore, the term encoder has been broadly use (Applicant's specification [0004] define the encoder to be within the receiving end of a video) for Maillard's Fig. 2 specifically shows that there is a direct connection between a memory (20) and a source of video data (30). Therefore the references cited (in the specific instance - Maillard) do teach of a capability of storing data directly into a memory.

48. Applicant's arguments regarding claim 25 (Remarks, page 16) recite in part:

"It is respectfully submitted that these sections do not teach the applying of digital rights management to the encoded media file. The Maillard reference is directed to the transmission of scrambled digital data. Id. at col. 1, lines 7-24. Digital rights management is defined in the Specification as a set of technologies that content owners can use to protect their copyrighted materials and limit access to those materials to those parties having acquired a proper license to download the media content."

The Examiner respectfully disagrees with the Applicant. Maillard specifically teaches in [Column 1, lines 62-67] - "It is an object of the present invention to enable a secure system for transmission and recordal of data permitting authorised recording of transmitted digital data, whilst minimising the risk of pirate copies of such recordings being made by unauthorised third parties and avoiding the problems with the known systems." Maillard specifically teaches of the ECM/EMM being the management for digital rights (further explained with the rationale for claim 25 above). Therefore Maillard does indeed teach of digital rights management.

49. Applicant's arguments regarding claim 25 (Remarks, page 17) recite in part:

"The Office cites to Fig. 2 and col. 2, lines 18-43 for support for the Jam reference's capability of transforming the data in the frame buffer into an encoded media file. The Jam reference is at best directed to the transforming of media file into a frame buffer. Id. This is the exact opposite of transforming data in the frame buffer into an encoded media file. The Jam reference at best teaches decoding a media file into a frame buffer, but does not teach the encoding of a media file into a frame buffer..."

The Examiner respectfully disagrees with the Applicants assertion s that Jam fails to teach "transforming the data in the frame buffer into an encoded media file." First the Examiner respectfully points out that the transforming of data does not specifically teach encoding itself, the definition of transforming by Merriam Webster is a "change composition or structure." Jam's act of decoding does teach of changing composition. Also as previously stated by the Examiner [Fig. 2 and Column 2 lines 18-43] support the decoding or transformation of data in the frame buffer (106).

Furthermore, Jam does teach transforming the data into an encoded media. The data being decoded in the frame buffer is being decoded to provide the frame buffer with data. The previous discloser mentioned by the Examiner states [Column 2, lines 18-43] that another embodiment includes encoding onto a DVD disc. The Examiner would like to also disclose in Jam [Fig. 3] and [Column 4, lines 9-20]. With in this discloser it is taught that the encoding the data to a DVD also includes more than one encoding process of the data. Step 304, provides encoding sequence header information further described within column 4 that "*step 304, a sequence header is encoded for insertion at the beginning of the sequence being constructed. The sequence header may be in the form, for example, of a MPEG2 sequence header. The sequence header may include a sequence header code. The sequence header may also include data relating to the photographic image, for example, the horizontal and vertical sizes of the photo. Also included may be the aspect ratio, such as a pel (picture element) aspect ratio (PAR) for reconstruction of the frame of the photographic image. Such information would be specific to the photo being encoded and may be obtained*

from or derived using data in the still-picture file.". When decoding or transforming the information in the frame buffer to provide the readable frame data it would be obvious that since several encodings of the data happen before the compression that when decoding the compression file for use by the view that the data being viewed is still an encoded data and therefore Jam teaches "transforming (decoding) the data (picture data) in the frame buffer (106) into an encoded media file (data still encoded with media information for use by a media device)".

50. Applicant's arguments regarding claims 26-36 (Remarks, page 17-18) recite in part:

"Claims 26-36 depend, either directly or indirectly, from independent claim 25 and are patentable for at least the reasons of claim 12... Each of claims 26-36 is believed to be in condition for allowance and such favorable action is respectfully requested."

The Examiner respectfully disagrees with the Applicant's assertion that claims 26-36 are in condition for allowance. The rejection of claim 25 has been maintained and therefore since claims 26-36 depend, either directly or indirectly, each of said claims are being rejected as incorporating the deficiencies of the claim upon which it depends.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON M. GUERTIN whose telephone number is (571)270-1547. The examiner can normally be reached on M-F 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ulka Chauhan/
Supervisory Patent Examiner, Art Unit 2628

Aaron M. Guertin
Examiner, Art Unit 2628
May 7, 2008
/AMG/